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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 MICHAEL FRANCIS MOYNIHAN, JR.

10 Plaintiff,

11 v.

12 SNOHOMISH COUNTY SHERIFF'S  
13 CORRECTIONS BUREAU,

14 Defendant..

CASE NO. C11-1353RSM

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DISMISSING ACTION

15 This matter is before the Court for consideration of a Report and Recommendation filed by the  
16 Honorable Brian A. Tsuchida, United States Magistrate Judge. Dkt. # 5. Judge Tsuchida recommends  
17 dismissal of the action for failure to pay the filing fee or present an application to proceed *in forma*  
18 *pauperis* ("IFP"). The Court shall approve and adopt the Report and Recommendation, but writes to  
19 address a "motion to freeze deadlines" entered on the docket on September 30, 2011. Dkt. # 6.  
20 Plaintiff contends that he is being denied access to "legal materials" such as a printer and certain file  
21 management options on the computer. *Id.* However, he has failed to demonstrate how either situation  
22 impairs his ability to pay the filing fee or file an IFP petition as he was directed by the Clerk on August  
23 15, 2011. Dkt. # 2. The motion to freeze (Dkt. # 6) is accordingly DENIED.

24 The Court, now having considered the Report and Recommendation and the balance of the  
25 record, does hereby find and ORDER:

26 (1) The Report and Recommendation is ADOPTED;

27  
28 ORDER - 1

1 (2) The complaint and action are DISMISSED without prejudice for failure to pay the filing fee;  
2 and

3 (3) The Clerk is directed to terminate this case, and to send copies of this Order to plaintiff and  
4 to the Honorable Brian A. Tsuchida.

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6 Dated this 14<sup>th</sup> day of October 2011.

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9 RICARDO S. MARTINEZ  
10 UNITED STATES DISTRICT JUDGE  
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